

This is a reply to BellSouth's petition for forbearance (Docket 04-405).

BellSouth states there is sufficient competition in the broadband market and transport access is no longer necessary for Broadband competition. This statement is completely false for the small business Broadband market.

We provide DSL service in South Florida, a typical high-density metropolitan area. We have invested in our own network infrastructure, but we rely on the BellSouth ADSL transport component to connect to our customers.

We currently have approximately 1,500 small business owners as customers. These customers do not have the option of using Cable service as an alternate for DSL, as existing commercial locations are not wired for Cable TV service. Although new construction is including Cable facilities, we have never found a single business customer in a office, industrial or retail location where cable service was available.

We contacted the largest commercial property management company in the area and requested that they locate a property that they manage that has Cable. Out of a total of 1,917 office buildings, industrial parks and shopping centers that they manage, not a single location had cable service.

Field trials with wireless service indicate that work still needs to be done to resolve interference and line-of-sight issues that are encountered in a high-density metropolitan area. Broadband over Power Line is also in it's infancy and may not be deployed for several years. Even once deployed, it is unknown if this technology will operate in a commercial environment.

Other than the shrinking number of independent ISP's such as ourselves, there is no "other provider" for the small business owner. Three-fourths of all independent ISP's have gone out of business in the past five years. If BellSouth receives forbearance, we will also be forced to shut-down and there will be no Broadband competition at all.

ISP's such as ourselves cater to the special needs of small business that BellSouth is unable or unwilling to provide. We are in the process of rolling out new and exciting technologies such as VOIP that will allow small businesses to grow and compete in the International Marketplace. In order for us to provide these new technologies, we must continue to have access to the BellSouth ADSL transport component and this access must be regulated by the FCC.

Without FCC oversight, BellSouth will eliminate all small business Broadband competition. Their desire to eliminate us (while at the same time telling us how important we are) is clearly and presently demonstrated by BellSouth selling retail DSL for less than our wholesale costs and their refusal to allow us to provide DSL Broadband service without a POT's line (naked DSL). We are currently installing unused POT's lines in order to provide DSL Broadband service to our customers. Once again, without FCC oversight, we would have no access whatsoever.

We understand the concern BellSouth has regarding the competition they face from the Cable industry in the residential market (as a result from their slow deployment of DSL). This concern should not over-ride the importance of providing true broadband competition to the 23.7 million small businesses in the United States.

Sincerely,

Jay Brussels
President
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